



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,199	04/26/2001	James E. Veres	MSFT-0245/154792.2	8823

41505 7590 12/30/2004  
WOODCOCK WASHBURN LLP  
ONE LIBERTY PLACE - 46TH FLOOR  
PHILADELPHIA, PA 19103

EXAMINER
----------

FOWLKES, ANDRE R

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/843,199

**Applicant(s)**

VERES ET AL.

**Examiner**

Andre R. Fowlkes

**Art Unit**

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-52 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 4/26/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-52 are pending.
2. The double patenting rejection is withdrawn, in view of applicant's terminal disclaimer.
3. The 35 U.S.C. 103(a) rejection is withdrawn, in view of applicant's amendment.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-52 are rejected under 35 U.S.C. 102(b) as being anticipated by London Shrader et al., (London Shrader), U.S. Patent No. 5,870,611.

As per claim 1, London Shrader discloses **a system for managing application installation operations, a method of communicating with an application**, (col. 1:18-21, "This invention relates generally to electronic distribution of software in computer networks. More particularly, the invention relates to defining and constructing a proposed plan object for installing the software on the network"), **comprising:**

**- receiving from the application a call to set a property related to performing an application installation operation** (col. 7:28-30, "The action type

Art Unit: 2122

attribute 114 denotes the type of processing for this application, i.e. install, configure (i.e. set a property related to an application installation operation), ..., or maintenance”),

- **receiving from the application a call to initialize an application installation operation** (col. 5:53-54, “procedures which (initialize an application installation operation and continue to) track the current state of installation”),

- **receiving from the application a call to finalize the application installation operation** (col. 5:53-54, “procedures which (finalize an application installation operation and report) .. the current state of installation”).

As per claim 2, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said application installation operation is at least one of the following: install, downsize, reinstall, uninstall** (col. 7:28-30, “The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance”).

As per claim 3, the rejection of claim 1 is incorporated, and further London Shrader discloses that **if the application installation operation is not executed successfully by the application, receiving a call to abort the application installation operation** (col. 5:53-54, “procedures which track the current state of installation ensure that each step (is executed successfully)”).

As per claim 4, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to initialize the application installation operation is InitializeInstall**, and **said call to finalize the application installation operation is FinalizeInstall** (col. 5:53-54, "procedures which (initialize an application installation operation and continue to) track the current state of installation", and col. 5:53-54, "procedures which (finalize an application installation operation and continue to report) .. the current state of installation", The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 5, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to initialize the application installation operation is InitializeDownsize**, and **said call to finalize the application installation operation is FinalizeDownsize** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 6, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to initialize the application installation operation is InitializeReInstall, and said call to finalize the application installation operation is FinalizeReInstall** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 7, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to initialize the application installation operation is InitializeUnInstall, and said call to finalize the application installation operation is FinalizeUnInstall** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 8, the rejection of claim 1 is incorporated, and further London Shrader discloses **receiving a call from the application to get a property related to**

**performing an application installation operation** (col. 5:25-28, "A response file is a flat ASCII file that contains a set of responses to a corresponding set of questions (i.e. get property calls) asked by the program during the installation and/or configuration process.").

As per claim 9, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to set a property is SetProperty** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure (i.e. set property), remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 10, this is a computer readable medium/product version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. Additionally, such a product is deemed to be inherent in the system, otherwise, it would be inoperative.

As per claim 13, the rejection of claim 12 is incorporated, and further London Shrader discloses that **said call to SetProperty includes a parameter identifying APP\_PROPERTY\_COMPANYNAME as the property that is being set** (col. 6:41-43,

"The Group Container (i.e. a group of workstations belonging to a company/entity) 54 is used to hold one or more workstation Group objects 200 which are defined by the administrator.").

As per claim 14, the rejection of claim 13 is incorporated, and further London Shrader discloses that **said call to SetProperty further includes a parameter for pointing to a string identifying a company** (col. 6:41-43, "The Group Container (i.e. a group of workstations belonging to a company/entity) 54 is used to hold one or more workstation Group objects 200 which are defined by the administrator.").

As per claim 19, the rejection of claim 12 is incorporated, and further London Shrader discloses that **receiving a call to SetProperty having a parameter identifying APP\_PROPERTY\_SIGNATURE as the property that is being set** (col. 7:16-18, "The Short Name attribute 102 is used to uniquely identify the object (i.e. an objects signature) within the Network Installation Program."),

- **receiving a call to SetProperty having a parameter identifying APP\_PROPERTY\_CATEGORY as the property that is being set** (col. 6:43-45, "Workstation Group objects 200 contain Workstation objects 225 which represent workstations which are to be installed with similar software (i.e. the same category of workstations)"),

- **receiving a call to SetProperty having a parameter identifying APP\_PROPERTY\_ESTIMATEDINSTALLSIZE as the property that is being set** (col.



7:14-16, "Application and application-in-plan objects have a series of attributes (i.e. properties) to define the application object instance (i.e. the estimated install size)").

As per claim 22, the rejection of claim 21 is incorporated, and further London Shrader discloses that **said call to GetProperty has a parameter identifying APP\_PROPERTY\_GUID as the application property being retrieved** (col. 7:16-18, "The Short Name attribute 102 is used to uniquely identify the object (i.e. a GUID) within the Network Installation Program.").

As per claim 23, the rejection of claim 21 is incorporated, and further London Shrader discloses that **said call to GetProperty has a parameter for pointing to a string containing a GUID value identifying the application that is the object of the install operation** (col. 7:16-18, "The Short Name attribute 102 is used to uniquely identify the object (i.e. a GUID) within the Network Installation Program.").

As per claim 24, the rejection of claim 22 is incorporated, and further London Shrader discloses:

- **receiving a call to GetProperty having a parameter identifying APP\_PROPERTY\_ROOTPATH as the application property that is being retrieved** (col. 8:2-4, "The Real File Name attribute 152 is the fully qualified path to the response file to be used during the processing of the application."),

- receiving a call to **GetProperty** having a parameter identifying **APP\_PROPERTY\_SETROOTPATH** as the application property that is being retrieved (col. 8:2-4, "The Real File Name attribute 152 is the fully qualified path to the response file to be used during the processing of the application.").

As per claim 25, the rejection of claim 12 is incorporated, and further London Shrader discloses:

- receiving a call to **SetProperty** having a parameter identifying **APP\_PROPERTY\_EXECUTECLMDLINE** as the application property that is being set (col. 9:45-50, "The Install Script attribute 313 indicates the code server object and optionally the directory path where the client workstations can access their install script files (i.e. execution command line) which indicate the commands and order in which applications should be installed and configured on workstations"),

- receiving a call to **SetProperty** having a parameter identifying **APP\_PROPERTY\_DEFAULTSETUPEXECMDLINE** as the application property that is being set (col. 9:45-50, "The Install Script attribute 313 indicates the code server object and optionally the directory path where the client workstations can access their install script files (i.e. default setup command line) which indicate the commands and order in which applications should be installed and configured on workstations").

As per claims 11, 12, 15-18, 20, 21 and 26, this is another method version of the claimed method discussed above, in claims 1-23, wherein all claimed limitations have

also been addressed and/or cited as set forth above. For example, see London Shrader's install plan object for network installation of application programs (col. 15:60-18:25).

As per claims 27-34, this is another method version of the claimed method discussed above, in claims 1-23, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see London Shrader's install plan object for network installation of application programs (col. 15:60-18:25).

As per claims 35-42, this is another method version of the claimed method discussed above, in claims 1-23, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see London Shrader's install plan object for network installation of application programs (col. 15:60-18:25).

As per claims 43-51, this is another method version of the claimed method discussed above, in claims 1-23, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see London Shrader's install plan object for network installation of application programs (col. 15:60-18:25).

As per claim 52, this is a system version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see London Shrader's install plan object for network installation of application programs (col. 15:60-18:25).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-52 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

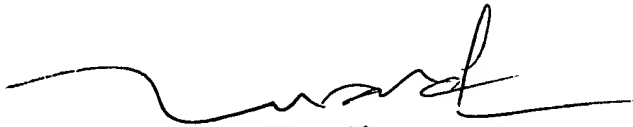
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2122

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**